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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,390	01/22/2002	Kurt Haeuslmeier	951/50738	6968

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER	
SPISICH, GEORGE D	

ART UNIT	PAPER NUMBER
3616	

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/051,390	HAEUSLMEIER ET AL.	
	Examiner	Art Unit	
	George D. Spisich	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8, 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Iyoshi et al. (USPN 6,572,142).

Iyoshi et al. disclose inflator in an airbag system for a vehicle having sensors that detect at least one of an accident-specific variable and a person-specific variable. The reference discusses the adjustability of the inflator due to at least the severity of the impact.

The system of Iyoshi et al. has an airbag and a deployment arrangement adapted to fill the airbag with gas when the deployment arrangement interprets an event as an impact against an obstacle. The deployment arrangement includes an independently deployable first chamber (8) and second chamber (9).

The first chamber (8) is capable of filling the airbag with a smaller quantity of gas than the second chamber (9) and the deployment arrangement is configured to determine whether to deploy the first or second chamber first on the basis of an evaluation of the at least one accident-specific and person-specific variable.

As discussed in col. 2, lines 55-61, the firing of one of the chambers after the other can be separated by a delay which is determined on the basis of the severity and nature of the crash. This is done to tailor the inflator to the sensed conditions and severity of the crash.

In col. 3, lines 7-18, it is discussed that the order of inflating the chambers (small chamber first and then second chamber, or second chamber first and then first chamber) can be changed as necessary (col. 3, lines 9-10). This is done to properly customize the inflation characteristics of the inflator and the airbag system depending on sensed characteristics such as the severity of the crash.

This arrangement of Iyoshi et al. would operate in the same method as is claimed in claims 9 and 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-7, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyoshi et al. (USPN 6,572,142) in view of Steffens, Jr. et al. (USPN 5,626,359).

Iyoshi et al. ('142) has been discussed in the previous rejection.

However, Iyoshi et al. do not disclose the sensors for vehicle speed and the body size and weight of the occupant.

Steffens, Jr. et al. disclose an airbag with plural inflation stages and the stages are controlled based on sensed accident-specific variables that include vehicle speed (504) and also crash severity. Steffens Jr. et al. also disclose person-specific variables that include detecting the proximity of the seat to the door (30) (which applicant has disclosed as a sensing of occupant body size, and occupant weight (70).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag deployment arrangement of Iyoshi et al. by sensing the vehicle and person specific variables as taught by Steffens Jr. et al. so as to properly adjust the inflation characteristics as desired to improve the operation of the airbag arrangement of Iyoshi et al.

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buchanan et al. (USPN 5,582,428) and Whang et al. (USPUB 2002/0050703).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703) 305-6495. The examiner can normally be reached on Monday to Friday 9:30-7:00 except alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gds
May 17, 2004

DAVID R. DUNN
PRIMARY PATENT EXAMINER